

Notice of Allowability

Application No.

10/086,932

Examiner

Maureen M. Wallenhorst

Applicant(s)

CORSON ET AL.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received on January 4, 2005.
 2. ☒ The allowed claim(s) is/are 1-10.
 3. ☒ The drawings filed on 05 June 2002 are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dianne Rees on January 26, 2005.

On line 7 of claim 1, the word "using" was changed to --scanning--. On line 8 of claim 1, the phrase --with the first molecular array scanner--was inserted after the word "dye".

On line 2 of claim 4, the phrase "using one or more stable-dye reference arrays" was deleted. On line 7 of claim 4, the word --and--was inserted before the word "adjusting".

Between lines 4 and 5 in claim 6, the following phrase was inserted: --a number of molecular array scanners to be calibrated by the reference molecule array scanner--. On line 5 of claim 6, the following phrase was reinserted after the phrase "first dye": --used to establish an initial calibration of each of the number of molecular array scanners to the reference molecular array scanner--. On line 8 of claim 6, the phrase "a stable-dye reference arrays" was changed to --a stable-dye reference array--. On lines 8-9 of claim 6, the following phrase was reinserted after the phrase "second dye": --used to maintain the initial calibration.

On line 2 of claim 8, the word "subsequently" was deleted. On line 3 of claim 8, the word "first" was changed to --reference--, and the phrase --a second time--was inserted after the word "scanner".

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Claim 9 was changed to depend from claim 7. On line 5 of claim 9, the phrase – following initial calibration,— was inserted before the word “scanning”, and the word –first— was inserted before the phrase “molecular array scanner”. On lines 7-8 and on line 8 of claim 9, the phrase “molecular array scanner” was changed to –first molecular array scanner--. On line 8 of claim 9, the word –and—was inserted before the word “adjusting”.

Claims 5 and 10 were canceled.

2. The following is an examiner’s statement of reasons for allowance: Application serial no. 10/086,932 is being allowed since none of the prior art of record teaches or fairly suggests a method and apparatus for calibrating a first molecular array scanner with a second, reference molecular array scanner that comprises the steps of initially calibrating the first molecular array scanner with the second, reference molecular array scanner by using an array that contains thereon a first dye, wherein the first dye is the same as a dye used to label probe molecules in actual molecular array experiments, and maintaining the initial calibration of the first molecular array scanner by scanning with the first molecular array scanner one or more arrays containing thereon a second dye, wherein the second dye is different chemically from the first dye and has more consistent fluorescence–emission characteristics over repeated scans than the first dye. The same-dye reference array and stable-dye reference array are defined on page 14, lines 1-15 of the instant specification.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maureen M. Wallenhorst whose telephone number is 571-272-1266. The examiner can normally be reached on Monday-Wednesday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden, can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maureen M. Wallenhorst
Primary Examiner
Art Unit 1743

mmw

January 26, 2005

Maureen M. Wallenhorst
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PRIMARY EXAMINER
GROUP ~~1743~~ 1700